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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,773	01/18/2002	Stefan Lind	1952	4598

7590 04/28/2004

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103 East Neck Road  
Huntington, NY 11743

EXAMINER

GONZALEZ, MADELINE

ART UNIT	PAPER NUMBER
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2859

DATE MAILED: 04/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/049,773	LIND, STEFAN	
	Examiner	Art Unit	
	Madeline Gonzalez	2859	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

In response to applicant's amendment dated January 29, 2004

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4 and 6-8 are finally rejected under 35 U.S.C. 102(b) as being anticipated by German Patent No. 894,918.

German Patent No. 894,918 discloses an angle fixing, as shown in Fig. 1, having:

- two limbs 4 and 5 that can be pivoted relative to one another;
- wherein the two limbs 4 and 5 define two imaginary, intersecting planes, characterized in that the two limbs 4 and 5 are pivotable about an imaginary pivot axis relative to one another;
- wherein said pivot axis runs parallel to the two imaginary planes;
- wherein the two limbs 4 and 5 can be locked in position;
- wherein the limbs 4 and 5 have a constant, longitudinal sectional area over a width of said limbs 4 and 5;

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- wherein the two limbs 4 and 5 serve to fix components to one another or to fix a component to a surface and are lockable with one another by a single locking element 9;
- wherein the two limbs 4 and 5 are substantially identical;
- wherein the two limbs 4 and 5 of the angle fixing have tongues projecting arcuately therefrom, which tongues engage in one another and/or rest against one another and guide the two limbs 4 and 5 pivotally on one another;
- wherein said single locking element 9 is a fixing screw extending through the two limbs 4 and 5;
- wherein the two limbs 4 and 5 have tongues projecting therefrom, said single fixing element 9 extending through the tongues and locking the two limbs 4 and 5 with one another; and
- wherein the tongues are integral parts of the limbs 4 and 5.

3. Claim 5 is finally rejected under 35 U.S.C. 102(b) as being anticipated by Austrian Patent No. 335,145.

Austrian Patent No. 335,145 discloses an angle fixing, as shown in Fig. 1, having:

- two limbs 4 and 5 that can be pivoted relative to one another;

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- wherein the two limbs 4 and 5 define two imaginary, intersecting planes, characterized in that the two limbs 4 and 5 are pivotable about an imaginary pivot axis relative to one another;
- wherein said pivot axis runs parallel to the two imaginary planes;
- wherein the two limbs 4 and 5 can be locked in position, as shown in Fig. 4;
- wherein the limbs 4 and 5 have a constant, longitudinal sectional area over a width of said limbs 4 and 5;
- wherein the two limbs 4 and 5 of the angle fixing have tongues projecting arcuately therefrom;
- wherein said tongues engage in one another and rest against one another and guide the two limbs 4 and 5 pivotally on one another;
- wherein the tongues run in a partially-circular arc about a pivoting axis of the two limbs 4 and 5;
- wherein said arcuately projecting tongues of the two limbs 4 and 5, upon pivoting of the two limbs 4 and 5, slide over one another with respective partially circular surfaces;
- wherein the two limbs 4 and 5 each have two tongues;
- wherein a distance between the tongues of each limb 4 and 5 correspond to a thickness of the tongues; and
- wherein one of the two tongues of a first of the two limbs 4 and 5 rests between the two tongues of a second of the two limbs 4 and 5.

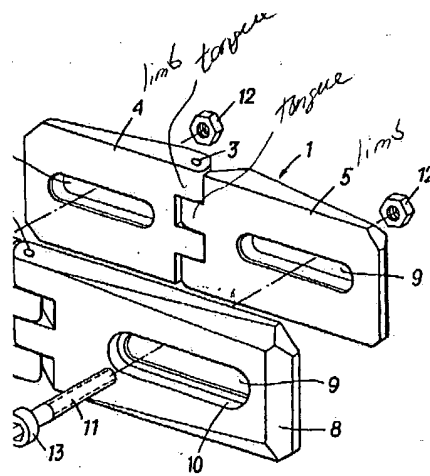
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***Response to Arguments***

4. Applicant's arguments with respect to claims 1, 2, 4 and 6-8 have been considered but are moot in view of the new ground(s) of rejection.

5. Applicant's arguments with respect to claim 5 have been fully considered but they are not persuasive.

6. In response to applicant's argument that Austrian Patent No. 335,145 does not disclose any arcuate tongues: The following figure shows the elements that the Examiner has considered as arcuately projecting tongues:



*Conclusion*

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Madeline Gonzalez whose telephone number is (571) 272-2243. The examiner can normally be reached on Monday-Friday (8:00-5:30), alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F.F. Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MG



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